

**DURHAM, NORTH CAROLINA
MONDAY, AUGUST 20, 2001
7:00 P.M.**

The Durham City Council met on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Absent: Council Member Blyth.

Also present: City Manager Marcia L. Conner, Assistant City Attorney Richard Weintraub, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Tennyson called the meeting order and at that time, the Mayor requested a moment of silence in memory of former County Manager John P. "Jack" Bond.

Mayor Pro Tempore Clement congratulated the Centennial Committee of Lincoln Hospital during the celebration of its 100th Anniversary this past Saturday at the Durham Marriott.

Council Member Hill reminded his colleagues that a charity basketball game is scheduled for Saturday, August 25 at Duke University to benefit charities here in Durham.

Council Member Stith announced that he attended an event in honor of Ms. Allen, of the Green Candle, hosted by the Durham Business & Professional Chain and commented on his attendance at the 100th Anniversary of Lincoln Hospital.

Mayor Tennyson announced that the next Community Response Forum on Gang Awareness is scheduled for Thursday, August 30th at 6 p.m. in the Council Chambers.

Ms. Ann Bonett and Stephanie Harper of Multiple Dystrophy Association presented Mayor Tennyson, Fire Chief Otis Cooper, Carmella Blakney and the Professional Firefighters with plaques thanking them for their support in benefiting Multiple Dystrophy Association.

City Clerk D. Ann Gray swore in Lori Olsen as a member of the Durham Open Space & Trails Commission.

Mayor Tennyson asked for priority items from the City Manager, City Attorney and City Clerk. Relative to Supplemental Item #1 [CONSULTING CONTRACTS WITH DIXON ODOM PLLC], City Manager Marcia Conner made comments concerning the review of small business loan program, fraud investigations and review of internal controls. She noted the City has expended up to the limit and will need an additional \$5,000 to \$7,000 to complete the review.

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Also, the City Manager gave an overview of the following memo distributed to Council concerning technical expertise.

TO: City Council Members

FROM: Marcia Conner, Durham City Manager

SUBJECT: Technical Expertise needed over the next months

DATE: August 21, 2001

As you are aware, the City of Durham has several ambitious goals to be met over the coming months. To meet these goals, I am recommending that the City obtain the assistance of outside professional resources to assure that projects are began and completed with best interests of the city in mind.

The City is in the process of contacting representatives from various organizations to inquire about obtaining their assistance or their recommendations in the following areas:

- I. Filling director positions in key departments. We would like to use the resources of the ICMA, NFBPA and the National League of Cities to fill the following director positions on an interim basis: Property and Facilities Management, Economic and Employment Development, Equal Opportunity and Equity Assurance. We would like to use a professional search firm to permanently fill these positions and the currently vacant Planning Director position.
- II. Program and Management Assessment: Working with the NFBPA, ICMA, the National League of Cities and their local affiliates, the City will perform an assessment or management reviews in the following critical areas:
 - a. Personnel
 - b. Internal Audit
 - c. Contract practices
 - d. Information Technology
 - e. Other local agency agreements
- III. Financial Management Audit: A request for proposals has been issued for a firm to perform a complete audit of our commercial and housing loan portfolio and will be brought forth to Council on September 17, 2001. This review hopefully will contribute to regaining public confidence in administering of the city's loans.
- IV. Technical Assistance in Economic Development: The City is currently contacting potential firms for availability and for proposals to assess major developments including American Tobacco, North East

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Central Durham, Downtown Durham developments, including Parrish Street and the Liggett Development. These major projects require that we obtain the best possible expertise to ensure that complete development and financial reviews are performed that represent the City's short and long-term interests.

With your consent, I will proceed with contacting the appropriate agencies or individuals, or issuing requests for proposals where appropriate to begin acquiring the technical expertise needed in the above areas. As decisions are made, I will keep the Council apprised. In the meantime, please feel free to contact me with any questions or concerns.

There were no priority items from the City Attorney/City Clerk.

At this time during the meeting, Mayor Pro Tempore Clement acknowledged Phillip Vereen, of the Durham Chamber of Commerce, extending congratulations on his recent marriage and condolences on the recent passing of his mother.

Mayor Tennyson asked if any citizen(s) or council member(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. [NO ITEMS PULLED FROM CONSENT AGENDA]

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the Consent Agenda was approved at 7:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

[CONSENT AGENDA]

SUBJECT: CONTROLLED SUBSTANCE TAX DISTRIBUTION FUND AND FEDERAL ASSET FORFEITURE FUND PROJECT ORDINANCES FY 2001/2002

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt the "City of Durham and State of North Carolina 'Controlled Substance Tax Distribution' Project Ordinance FY 2001/2002"; and

To adopt the "City of Durham and the U.S. Department of Justice' Federal Asset Forfeiture Funds' Project Ordinance FY 2001/2002" was approved at 7:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

Ordinance #12368 - 12369

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SUBJECT: POLICE DEPARTMENT'S QUARTERLY REPORT FOR THE SECOND QUARTER OF CALENDAR YEAR 2001

MOTION by Council Member Larson seconded by Council Member Jacobs to receive the Police Department's Quarterly Report for the Second Quarter of Calendar Year 2001 was approved at 7:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: CONTRACT FOR GOVERNMENT AFFAIRS SERVICES - CAPITOL LINK

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into a contract with Capitol Link for government affairs services for \$48,000 plus usual and customary expenses not to exceed \$100 per month for a total amount not to exceed \$49,200; and

To authorize the City Manager to make minor changes to the agreement that do not increase the total dollar amount to be paid by the City, and do not decrease the benefit to be provided to the City was approved at 7:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: DURHAM AFTERSCHOOL STRATEGY (TITLE V GRANT AWARD) FY 2001 - GRANT PROJECT ORDINANCE AMENDMENT

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a "City of Durham Grant Project Ordinance Amending Ordinance #12134 2000-2001 North Carolina Department of Crime Control and Public Safety Governor's Crime Commission 1999 Title V Grant for a Durham Afterschool Program" to increase the grant by the amount of \$30,000 (\$20,000 with a City match of \$10,000) for a total amount of \$180,000 was approved at 7:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

Ordinance #12370

SUBJECT: REPORT OF BOND SALE: WATER AND SEWER REVENUE BONDS, SERIES 2001

MOTION by Council Member Larson seconded by Council Member Jacobs

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to receive a report from the Administration regarding the sale of Water and Sewer Revenue Bonds, Series 2001 was approved at 7:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: REPORT OF SALE: 2001 CERTIFICATES OF PARTICIPATION (COPS)

MOTION by Council Member Larson seconded by Council Member Jacobs to receive a report from the Administration regarding the sale of 2001 Certificates of Participation (COPS) was approved at 7:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: SITE PLAN APPROVAL - NITRONEX

MOTION by Council Member Larson seconded by Council Member Jacobs to approve a site plan for the Nitronex facility, submitted by Piedmont Land Design, LLP, on behalf of the Parker Raleigh Development XXXI, LLC, consisting of an 85,400 square foot light manufacturing facility proposed on 13.69 acres, zoned Light Industrial (I-2), located on the east side of Presidential Drive, east of South Miami Boulevard, and south of Lumley Road (Tax Map #577A-01-022A, PIN #0749-04-72-5556, City Atlas Page 45, C-3, C-4) was approved at 7:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: SITE PLAN APPROVAL - TAYLOR ESTATES

MOTION by Council Member Larson seconded by Council Member Jacobs to approve a site plan for Taylor Estates, submitted by the John R. McAdams Company, Inc., on behalf of 1st American Land, consisting of 160 townhomes proposed on a ±19.16 acre site zoned RM-12(D) and located southeast of Ellis Road, west of Miami Boulevard and Cash Road (Tax Map #644-1-18, PIN #0749-02-67-3066, City Atlas Page 39, C-1, C-2) was approved at 7:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: ESTES STREET DRAINAGE IMPROVEMENTS - R & G CONSTRUCTION COMPANY

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MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into a contract with R & G Construction Company in the amount of \$32,215, plus a contingency fund of \$7,785, with total contract amount not to exceed \$40,000 for the Estes Street drainage improvements; and

To authorize the City Manager to modify the contract before execution, provided that the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the contract approved by City Council; and

To authorize the City Manager to negotiate and execute change orders on the Estes Street Drainage Improvements project provided that the cost of all change orders does not exceed \$7,785 and the total project cost of \$40,000 was approved at 7:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: ASSESSMENT ROLL CORRECTION - SEWER MAIN ON STALLINGS ROAD - CIMARRON CAPITAL, INC.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution for the correction of an error on the assessment roll for Sewer Main on Stallings Road from Stallings Road Outfall to Husketh Drive (gives full relief of the assessment against the property of Cimarron Capital, Inc. because it duplicates a previous sewer main frontage fee charge) was approved at 7:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: CONTRACT SR-28 SEWER OUTFALL MOWING - BUSHHOG AMERICA, INC.

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a contract with Bushhog America, Inc. in the amount of \$116,270 for sewer outfall mowing (Contract #SR-28) was approved at 7:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: SEWER EXTENSION AGREEMENT - IMMANUEL FREE WILL BAPTIST CHURCH, INC.

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MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a Sewer Extension Agreement with Immanuel Free Will Baptist Church, Inc. to extend City sewer to serve Immanuel Free Will Baptist Church, an existing church located on Ellis Road west of NC 147 was approved at 7:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**SUBJECT: WATER EXTENSION AGREEMENT - THE DILWEG COMPANIES -
I-LOFT ONE OFFICE PARK - WEST SIDE OF ALSTON AVENUE**

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a Water Extension Agreement with The Dilweg Companies to extend City water to serve a proposed office building to be located on the west side of Alston Avenue north of Alexander Drive was approved at 7:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

SUBJECT: STOP SIGN - COUNTRY CLUB HEIGHTS

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of a stop sign on Reliant Place at Country Club Drive, northwest corner was approved at 7:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

Ordinance #12371

SUBJECT: STOP SIGNS - GATEWOOD FOREST SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

- 1) Portico Lane at Burrell Road, southwest corner;
- 2) Play Gate Lane at Burrell Road, southwest corner;
- 3) Moonstone Court at Play Gate Lane, southeast corner;
- 4) Destrier Drive at Burrell Road, northeast corner; and
- 5) Destrier Drive at Mineral Springs Road, southwest corner.

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Ordinance #12372

SUBJECT: STOP SIGN - TECHNOLOGY DRIVE

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of a stop sign on Technology Drive at Danube Lane, southwest corner was approved at 7:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

Ordinance #12373

SUBJECT: STOP SIGNS - WHILDEN DRIVE (PRIVATE)

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

- 1) Whilden Drive (Private) at South Alston Avenue, southwest corner; and
- 2) Whilden Drive (Private) at N.C. Highway 55, northeast corner.

Ordinance #12374

SUBJECT: CITY COUNCIL MINUTES - CITY CLERK'S OFFICE

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the official minutes of the July 16, 2001 Regular City Council Meeting and the July 30, 2001 Special City Council Meeting was approved at 7:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

[GENERAL BUSINESS AGENDA]

[NO PUBLIC HEARINGS]

[OTHER MATTERS]

SUBJECT: BOARD OF ADJUSTMENT - APPOINTMENT

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To appoint a citizen to fill an Alternate Member vacancy on the Durham Board of Adjustment for a term to expire June 30, 2003.

MOTION by Council Member Jacobs seconded by Council Member Larson to appoint Mary Brodgen as an Alternate Member on the Durham Board of Adjustment for a term to expire June 30, 2003 was approved at 7:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

[SUPPLEMENTAL ITEM]

SUBJECT: CONSULTING CONTRACTS WITH DIXON ODOM PLLC - SMALL BUSINESS LOAN PROGRAM

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into the following contracts with Dixon Odom PLLC was approved at 7:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

- a. Performance of an engagement to review loan program files for the Small Business Loan Program at a cost not to exceed \$10,000; and
- b. Fraud investigations related to the Small Business Loan Program at a cost not to exceed \$24,000; and
- c. Review of internal controls and policies related to the Small Business Loan Program at a cost not to exceed \$10,000.

There being no further business to come before the City Council, the meeting was adjourned at 7:20 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk